

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

FIESTA DEL NORTE HOMEOWNERS  
ASSOCIATION, et al.,

Defendants.

Case No. 2:16-cv-00497-APG-BNW

**REPORT AND RECOMMENDATION**

This case is before the court on Defendant Absolute Collection Services, LLC's (ACS's) repeated failure to follow this court's orders and retain counsel. On December 13, 2019, ACS's counsel moved to withdraw. (ECF No. 63.) The court granted this motion on December 17, 2019 and ordered ACS to retain counsel. (ECF No. 64.) The court advised ACS that because it is a corporation, it cannot represent itself and must be represented by an attorney. (*Id.* at 1.) The court ordered ACS to retain counsel and have counsel file an appearance in this case by January 13, 2020. (*Id.* at 2.) ACS did not retain counsel by this date or request an extension of this deadline.


On February 12, 2020, this court issued an order to show cause why sanctions should not be imposed for ACS's failure to comply with this court's order and retain counsel. (ECF No. 66.) The court gave ASC until March 6, 2020 to respond to this order. (*Id.* at 1.) The court further explained that if ACS retained counsel and counsel filed an appearance by March 6, 2020, the court would be satisfied that sanctions should not be imposed and no further response to the order to show cause would be necessary. (*Id.*) Finally, the court advised ASC that a failure to comply with its order to show cause would result in a recommendation to the district judge assigned to this case that default judgment should be entered against ASC. (*Id.* at 1-2.) ASC did not respond to this order or have counsel file an appearance. Accordingly,

1 IT IS HEREBY RECOMMENDED that default judgment be entered against Defendant  
2 Absolute Collection Services, LLC for failure to comply with this court's orders and retain  
3 counsel. *See In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (stating that  
4 "[c]orporations and other unincorporated associations must appear in court through an  
5 attorney."); *United States v. High Country Broad.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (per curiam)  
6 (finding it is appropriate to enter default judgment against a corporation that fails to retain counsel  
7 as ordered by the court).

8 **NOTICE**

9 This report and recommendation is submitted to the United States district judge assigned  
10 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation  
11 may file a written objection supported by points and authorities within fourteen days of being  
12 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
13 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d  
14 1153, 1157 (9th Cir. 1991).

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16 DATED: April 9, 2020

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19 BREND A WEKSLER  
20 UNITED STATES MAGISTRATE JUDGE  
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